PROCLAMATION OF GOVERNOR WALKER.

To the People of Kansas.

TO OUR SUBSCRIBERS.

The People of Kanses.

Laccurron, R. T., Sopt. 16, 1857.

The first Monday in October, 1867, is the day assigned by law for the election, by the people of this Territory, of a delegate to the Congress of the United States, both branches of the territorial legislature, and various county offices. As the Governor of Kansas, numerous and urgent calle have been made upon me by various public meetings and committees by some of the judges of elections, and also by many citizens, to communicate my views in relation to the qualifications of voters at that election, as also in regard to the legislative apportionment, and the establishment of voting precinits.

As to the apportionment, the territorial election law of the 20th of February, 1857, requires it to be taken under the territorial convention act of the 19th February, 1857. The returns were made under that census, and the apportionment for that convention fixed by the acting governor, long before my arrival in this Territory; and of course over that matter I have no control whatever. Whilst it was a cause of deep regret to him, as well as to myself, that the census and registry were so incomplete in many counties, and that in fifteen counties organized as election districts under that law, and entitled to vote for delegates to this convention, there was neither census nor registry, and, therefore, that they could not participate in any manner in the choice of delegates on that most important occasion, yet no power to remedy the evil was vested by law, either in him or me. The only remedy rests with the constitution for ratification or rejection to the vote of the people, under such just and reasonable qualifications as they may prescribe. That they would pursue this course I have never don'ted, and although I have no right whatever to interfere in that question, yet, when my individual opinion was asked on this subject by members of the convention and others. I have always indicated a previous residence required in voting for members of the territorial legislatur vention, over which I have no power, except, in the lan-guage of the Kansas-Nebraska act, to "take care that the laws be faithfully executed," including that organic act itself, and left at liberty as a citizen to take such a course as, in my judgment, would most be consonant with the principles of justice, of the Kansas and Nebraska bill, and of the constitution of the United States, in any contin-

as, in my judgment, would most be consonant with the principles of justice, of the Kanasa and Nebraska bill, and of the constitution of the United States, in any contingency.

The apportionment of members of both branches of the legislature is based, as I have stated, on the census taken under the convention act of the 19th of February, 1857. My power to make the apportionment expired on the 31st of May last, leaving me but three days, exclusive of Sunday, to perform that act after my arrival in this Territory. The territorial laws of 1857 had never been printed. They were then in the course of publication at St. Louis, Missouri, and no copy reached here until the middle of June, long after my power on the subject had expired. The existence of this apportionment law was wholly unknown to the Secretary of State, to the probate judge of this county, or to any other person within my knowledge, and the printed copies, as I have stated, did not reach here until the middle of June. Of course, it was impossible for me to perform the duty prescribed in that act; and to guard against the contingency of those laws not reaching here before the first of June, the duty from and after that day was devolved by law upon the speaker of the house and president of the council. That duty was performed by the officers designated by the law, and I have no doubt in good faith, although I was never consulted by them on the subject. The law prohibited them from apportioning members to counties not embraced in the census under the conventional law, and I know it to be a matter of complaint by both parties, that the districts are stranged so as to defeat their respective candidates. That the districts were arranged by these gentlemen, as charged by their opponents, with a view to bring voters from the State of Missouri into the adjacent counties of Kanasa to counties not embraced in fifteen counties of Kanasa to control the election, I have the most solemn assurance from the most authentic sources of intelligence in that State, is wholly

too many members of that body to some counties in the apportionment, according to population, and not an absolute denial of the right of suffrage. This result was not intended by the territorial legislature, and could not be prevented by the officers by whom the apportionment was made. There was no intention on the part of the erritorial authorities to disfranchise those counties this has arisen from accidental causes, over which I have no authority to exercise any control whatever, and I could give no legal efficiency to any vote that was not

legal in itself.

It is hoped that the good citizens of these counties will vote to the extent permitted them by law, looking to an early period for the remedies for all those grievances, and that we shall have no revolutionary outbreak or violence at the election; which would be fraught with incalculable evil and attended with no possible good.

It will be observed that the contributions of the state of

evil and attended with no possible good.

It will be observed that the apportionment has no effect whatever upon the vote for delegate for Congress, or for county officers; in regard to both of which the counties excluded from the apportionment for the territorial legislature have the same rights and influences in pro-

of Kanas.

In relation to precincts which I am asked to establish, the act of the territorial legislature of 1855 regulates that subject in the 4th and 5th sections. The power is there given to the county officers to establish the precincts and select the judges of election; but there is a liberal provision in the law to meet any contingency. The 4th and 5th sections of the act are in the following words;

Soc. 4. Every county that now is, or that may hereafter be, established shall coinpose an election district, and all elections shall be held at the court-house of such county, where one has been crected. If there be no court-house, then it shall be the duty of the county commissioners to name a house in such county where the election shall be held; and if such commissioners fail to name such house twenty days before the election, it shall be the duty of the sheriff to name such house. In either of the last two cases the sheriff shall give notice of the place of holding the election by written advertisements, set up in at least six public places in such county, or by advertisement in some newspaper published in such county, at least ten days before the day of the election: Provided, That the county commissioners may, from time to time, establish such additional election precincts as may seem to them necessary or proper: Provided further, however, that in no case shall more than one precinct be established in any one municipal township.

one municipal township.

SEC. 5. The county commissioners shall appoint the judges of election in each county or voting precinct, at least ten days before the election at which they are to act; and if, at the hour for the opening of the polls, such judges are not present, then the voters assembled shall have power to elect others to fill the vacancy or vacancies thus occasioned. Said judges shall, before they enter on the discharge of their duties, take the following oath or affirmation, to be administered by one of their own body, by the sheriff, or by any officer authorized to administer oaths: I do swear (or affirm) that I will impartially discharge the duties of judge of the present election according to law and the best of my ability.

As to the judges of election, then there can be no

As to the judges of election, then there can be no difficulty under this law, the power being vested in the people at the several precincts, in case the county officers full to perform their duty; and if there be no

precincts, then the election can only be held at the seat of justice provided by law for each county. It has been suggested that this power is given to me under the convention law of the 19th of June, 1857, to establish precincts. It is true that very large and comprehensive powers are given to the governor of the Territory by that law, to which I shall have occasion hereafter to refer, and which seemed to have escaped public attention; but those powers are especially confined to my action under that law, and confer no authority in this respect in regard to the October election. With me this is a matter of most sincere regret, inasmuch as it is now, and always has been, my most auxious desire to see a full and fair election held in October next, and to contribute to the extent of all the authority devolved upon me by law, By the act of Congress, however, of the 30th of March, 1854, organizing this Territory, and which is still in force in that respect, on this subject, it is declared in the 33d section that "the person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly." As regards the territorial legislature, the certificate is to be given by the secretary of State, who is to count the votes in the presence of the governor: and in relation to the local officers, this duty, in case of context, is devolved upon the courts.

In view of my duties in connexion with this law, my attention has been called to the qualification of voters under the law. But even here the prior duty is devolved upon the judges of election, and I might not have felt called upon to give any opinion upon the subject but for circumstances of a most grave and serious character, to which I shall now refer. The Territory is threatened with a violent seizure of the polls at the October election, leading, necessarily, to a collision and civil war. This would be a most disastrous circumstance, requiring, imperatively, the employment of force, to be followed

of anarchy and bloodshed.

The two questions presented for my consideration are:

First. Can those who were qualified under the organic
act to yote at the first election in this Territory yote also

act to vote at the first election in this Territory vote also in October next, independent of any restrictions imposed by any act of the Territorial legislature?

The 22d and 23d sections of the organic law relating to this subject are in the following words:

"Ssc. 22. And be in further enacted, That the legislative power and authority of said Territory shall be vested in the governor and legislative assembly. The legislative assembly shall consist of council and house of representatives. The council shall consist of thirteen members, having the qualification of voters, as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall, at its first session, conscribed, whose term of service shall continue two years. The house of representatives shall, at its first session, consist of twenty-six members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. The number of representatives may be increased by the legislative assembly, from time to time, in proportion to the increase of qualified voters: Provided, That the whole number shall never exceed thirty-nine. An apportionment shall be made, nearly as equal as practicable, among the several counties or districts, for the election of the council and representatives, giving each section of the Territory eral counties or districts, for the election of the council and representatives, giving each section of the Territory representation in the ratio of its qualified voters as nearly as may be; and the members of the council and house of representatives shall reside in, and be inhabitants of, the district, or county or counties, for which they may be elected respectively. Previous to the election the governor shall cause a census or numeration of the inhabitants and qualified voters of the several counties and districts in the Territory to be taken by such previous and habitants and qualified voters of the several counties and districts in the Territory to be taken by such persons, and in such mode, as the governor shall designate and appoint; and the person so appointed shall receive a reasonable compensation therefor. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who shall superintend such election and the returns thereof, as the governor shall appoint and direct; and he shall at the same time declaration to the persons of the council and house of space. shall appoint and direct; and he shall at the same time declare the numbers of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The persons having the highest number of legal votes in each of said council districts for members of the council shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes for the house of representatives shall be declared by the governor to be duly elected members of said house; Provided, That in case two or more persons voted for shall have an equal number of votes, and in case a vacancy shall otherwise occur in either branch of the legislative assembly, the governor shall order a new election, and the person wise occur in either branch of the legislative assembly, the governor shall order a new election, and the person thus elected to the legislative assembly shall meet at such place and on such day as the governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and apportioning the representation in the several counties or districts to the council and house of representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly: Provided, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

Now, then, it is clear, first, that, as regards all elections but the first, the qualifications are not prescribed by the act of Congress; and, second, the qualifications, with the restrictions before mentioned, for all subsequent elections are to be designated by the territorial legislature.

It is certain, then, that the question now raised as regards the pretended right of persons to vote who possess the requisite qualifications, under the act of Congress, for voting at the first election, but are excluded by subsequent territorial legislation now in force, has no foundation whatever in law, and such votes would be wholly illegal. Under these circumstances, I trust that no one legal. Under these circumstances, I trust that no one will attempt to vote who is excluded by the territorial law; and if such illegal attempt is made, such a clear violation of the act of Congress and of the laws of this Territory will be arrested and prevented by the judges of the election

The second question is: Will voters at the election in October who possess all the qualifications provided by the territorial act of the 20th of February, 1857, which is the last act on this subject, be also required to possess other and different qualifications contained in preceding terri-torial enactments, or is the last law the sole rule of action on this subject? This last act is the general election law, providing for a new and entirely distinct apportionment of members for both branches of the territorial legislaor memoers for both branches of the territorial legisla-ture, as also the qualifications of voters at that and all succeeding elections, and is entitled, "An act to define and establish the council and representative districts for the second legislative assembly, and for other purposes."

the second legislative assembly, and for other purposes."

The first section designates by name the several council districts; the second section designates by name the several council districts; the second section designates by name the several council districts; the second section designates by name the several counties of Kansas which are to constitute the respective representative districts; the third section apportations members among the several representative districts according to the census provided for in the convention law; the fourth section apportions in the same manner the members among the several council districts; the fifth and last section is in these words:

Sec. 5. Every bona fide inhabitant of the Territory of Kansas, being a citizen of the United States, over the age of 21 years, who shall have resided six months in said Territory before the next general election for members of the council and house of representatives, and no other person whatever, shall be entitled to vote at any general election hereafter to be held in this Territory: Provided, houseser, That nothing in this act contained shall be considered to apply to or affect in any manner the provisions of an act entitled "An act to provide for taking the census, and election for delegates to a convention."

The language of this section is clear and explicit. It is an act prescribing the qualifications, and all the qualifications, of voters at all future elections. The law is perfect and complete in itself, without any reference whatever to preceding enactments. The language is free from controversy. "Every bons fide inhabitant," &c., "shall be entitled to vote," &c. The words are imperative. It is the language of command from the proper authority, and no one has any right to interpolate restrictions contained in preceding enactments. It is a well-settled principle of law, as well as of common sense, that any subsequent statute proceeds to regulate an entire subject in general and comorphisms were language, as it is of full force and effect in and of itself, and restriction or addition can be made to its provisions by reference to any preceding enactments. In such a case there can neither be addition or subtraction, and the number of qualified voters can mitther be augmented, by adding to them those who were permitted to vote by preceding laws, nor be lessened by subtracting those who were restricted from the right of suffrage by previous enactments. The words "every citizen," &c., and "no other" shall vote, include all who are described in the act, and exclude all others. Besides, the right of suffrage is the most sacred known to the American people. It is the basis upon which repose all their institutions. It is a right highly favored in our law aind, in all such cases, to deprive any one of this right, the words must be clear and unambiguous.

But in this case there is no ambiguity, and independent of the fact that this act, as regards elections and qualifications of voters, is an act complete in itself, and prescribing all the provisions applicable to this subject, any interpretation by which a restriction as regards the right of voting, contained in a preceding law, should be superaided to those required in this act, would create a direct and positive repugnance to its clear and explicit language, and therefor This act to take effect and be in force from and after

Act of 1857 provides: "Ev-ry bona fide inhabitant of the Territory of Kansas, eing a citizen of the Unibeing a citizen of the United States, over the age of 21 years, and who shall have resided 6 months in said Territory before the next general election for members of council and house of representatives, and no other person whatsoever, shall be entitled to you at any general election. vote at any general election hereafter to be held in this Territory."

person whatsoever, shall be entitled to vote at any general election hereafter to be held in this Territory;"

mitted to cote unless he has at first paid a territorial tax.

It is not clear that the two provisions would be directly repugnant, by the addition to the act of 1857 of a proviso and restriction not contained in that act, but in a previous law. The words of the act of 1857 are general: "Every citizen," &c., shall be entitled to vote on a residence of six months. This language gives the right to vote, in clear and positive terms, to every citizen, &c., who has been a resident for the term prescribed by law. "Every citizen" are general and comprehensive terms, and they cannot be restricted by other words not contained in this law.

By the 11th section of the act of 1855 no previous residence is required as a qualification for a voter, but the payment of a territorial tax is made a previous residence of six months, in using the general and comprehensive language, "every citizen," &c., the legislature of 1857, besides that residence for the first time prescribed by law, had intended in addition to require the previous payment of a territorial tax, they would have said so: and not having said so, such words can be interpolated neither by judicial nor executive construction. In fact, it is not a case of construction at all, but of using words which the legislature has not used, and of making provises and restrictions for them which they have not made, and of excluding voters from the polls whom they have not excluded. Besides, this is no new question. It has occurred repeatedly in the several States and Territories of this Union, and, as a principle of universal adoption, under such laws, it is well settled, without a single exception to the rule, that where one State constitution regulating the right of suffrage prescribes certain qualification of voters, it is complete in and of itself, add is universally regarded as repugnant to so much of any previous constitution which either adds to or subtracts from such qualification; and the same rule prevails in relation to State and territorial laws. This is the great Ame

the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly: Provided, That no session in any one year shall exceed the term of forty days, except the first session, which may continue sixty days.

Suc. 23. And be it further enacted, That every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall be entitled to vote at the first election, and shall be entitled to vote at the first election, and shall be eligible to any office within the said territory; but the qualification of voters, and of holding office at all subsequent elections, shall be such as shall be prescribed by the legislative assembly: Provided, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who have declared on oath their intention to become such, and shall have taken an oath to support the constitution of the United States and the provisions of this act: And provided further. That no officer, soldier, seaman, or main, or other person in the army or navy of the United. and shall have taken an oath to support the constitution of the United States and the provisions of this act: And provided further. That no officer, soldier, seaman, or marine, or other person in the army or navy of the United States, or attached to troops in the service of the United States, or attached to troops in the service of the United States, or attached to troops in the service of the United States, or attached to troops in the service of the United States, shall be allowed to vote or hold office in said Territory by reason of being on service therein.

It will be perceived that the act of Congress is clear and explicit on this subject. It prescribes the qualifications only of those who 'shall be entitled to vote at the first election, and shall be cligible to any office within the said Territory; but the qualification of voting and of holding office at all subsequent elections shall be such as shall be preceived by the legislature from permitting persons to vote who are neither native nor naturalized citizens, and certain officers, soldiers of the army, &c.

Now, then, it is clear, first, that, as regards all elections but the first, the qualifications are not prescribed by the act of Congress; and, second, the qualifications, with the restrictions before mentioned, for all subsequent elections are to be designated by the territorial legislature.

It is certain, then, that the question now raised as regards the pretended right of persons to vote who possess the requisite qualifications, under the act of Congress, for voting at the first election, be subsequent elections are to be designated by the territorial legislature. for the territorial legislature in October, then it would just as clearly follow that inamuch as the convention act was equally silent as to the payment of a tax, the voters for delegates to that convention, besides the three-months' residence and registry, must have paid a tax also. But the truth is, while the tax remains, the qualification applies no more to the election in October than it does to the election of delegates to the convention, because it was dropped in both acts, and because we have no right to insert a most important provision that is thus omitted by the legislature, and because it is a settled rule in interpreting statutes that, if the legislature had intended, in either case, in prescribing the qualifications, and all the qualifications of voters, to superadd one that was inserted in a preceding law, they would have repeated the restriction in a subsequent statute. How easy was it for the legislature, in prescribing the qualifications of voters under the convention or election law, if they intended, in addition to the qualifications named in these laws, to require the prepayment of a tax, to have said so, and not left it to others to interpolate words which they had excluded. They have not said so, and that is enough.

cluded. They have not said so, and that is enough.

On this subject I have never entertained any doubt, and never supposed there could be any question; and I might have declined the expression of any opinion on either of these points but for the certain knowledge of the fact, communicated to me from almost every quarter of the Territory, and from all parties, that these conflicting constructions of the law, if not settled, will certainly produce collision at the polls, and most probably a disastrous civil war and revolution. I claim no authority to instruct the judges of election, by virtue of my official power, how they shall decide; but I give my opinion, as others have given theirs, and with the same sincerity, in the hope that it may tend somewhat to prevent the disasters with which we are threatened, growing out of these conflicting opinions, and that it may render unnecessary a resort to the military force, subject to my orders, to preserve the peace of the Territory. That military force which is now already here, or daily arriving, is amply sufficient to preserve the peace of Kansas; but it is my sincere hope that the mere presence of this force, competent, as it is, to suppress insurrection or rebellion, and maintain the authority of the law, will render any collision unnecessary.

President, through the Secretary of State, my views on this subject, together with copies of the several territorial laws, and asked the sid of the President and his cabinet to sustain me, by the moral force of their opinion, in preventing a collision and civil war in this Territory, by stating, if such should be the fact, their concurrence with me in these views. In reply to this communication, in a despatch from the Secretary of State to me under date of the 2d of September, 1857, after remarking most justly, as I always contended, that I could issue no authoritative mandate to the judges of election on this subject, or control their decision, he says:

"The Territory of Kansas is in a peculiar condition. By your statement, and possessing, as you do, the best means of information, your views, in the opinion of the President, are entitled to great weight; it is in a state of incipient rebellion, with an organized military force prepared to resist the authority of the United States.

It may, therefore, become necessary to use the troops

incipient rebellion, with an organized military force prepared to resist the authority of the United States.

It may, therefore, become necessary to use the troops placed at your disposal, not only to aid as a posse comitatus in executing the laws, but also to suppress an insurrection. Surely under these circumstances, if the expression of an opinion in advance of his action, and it may be instead of it, which the President honestly entertains, will have a direct effort in preventing a cryl war in Kansas, he cannot be justly censured for attempting, by such an expression of opinion, to avert the calamitous result.

The danger you anticipate arises, 48 you observe, from the apprehension of a portion of the citizens of Kansas, that they will be excluded from the privileges of voting, because they have not paid a territorial tax. Now, the President, as well as every member of his cabinet, concurs in opinion with you that the payment of such tax is not required as a qualification to vote. He and they entertain not a doubt that the 5th section of the act of February 20 1857, is complete in itself and prescribes all the qualifications required of a voter, and among these the payment of a territorial tax is not included. They are also firmly convinced that his person whatever not possessing these qualifications prescribed for voters by the organic act of Congress of May 30, 1854, has any just claim to the elective franchise.

It will be observed, then, that in view of the deplora-

laim to the elective franchise.

It will be observed, then, that in view of the deplora It will be observed, then, that in view of the deplora-ble condition of Kansas for the last three years, and the civil war that has so long raged in this Territory, and the imminent danger of a renewal of that conflict, growing out of conflicting views as to the qualification of voters at the ensuing election, the President and all his cablnet have thought the occasion sufficiently soleins and im-portant, to express their full, unanimous, and entire con-currence in the views as to the qualifications of electors at the October election on those points set forth by me in this address, and previously communicated by me to the Secretary of State. Secretary of State

bylous that the territorial government of Kans must be maintained either by a superior physical force, or, as in all other States and Territories, by the majority of

must be maintained either by a superior physical force, or, as in all other States and Territories, by the majority of qualified voters at the election.

It never contemplated the use of the military force, but in aid of the execution of the laws to protect the citizens in the exercise of their legal rights as a posse comitatus to arrest offenders, where the civil authority might prove incompetent without such aid, and where the law authorized military power to suppress insurrection or rebellion. Physical force and the bayonet constitute the real power in nearly all monarchies and despotic governments, but here it is the will of the majority of the people qualified to vote upon the constitution and under the laws which is to govern; and the sooner all such questions are decided by a full and fair vote of the qualified electors at the polls the better; and then, and not till then, shall we have peace and repose in Kansas. Unless force is to be substituted for the elective franchise, unless despotic and monarchical principles are making here invisible progress, sooner or later, the question must thus be decided, and the sooner the better, not only for the interests of this Territory, but for the security of the Union and the cause of self-government here and throughout the world.

The system of our country and the world are now direct-

The eyes of our country and the world are now direct-The eyes of our country and the world are now directed with intense interest to the coming election in Kansas
in October next. Whether the people of this Territory
are, indeed, capable of self-government, whether the
scenes which have disgraced Kansas and our country for
the last three years are to be renewed indefinitely, whether the last three years are to be renewed indefinitely, whether violence, injustice, or insurrection on one or both sides are, for the moment, and for the moment only, are to decide the question, or whether our political differences are to be settled here, as in all other States and Territories, (under the provisions of our organic law,) by the full, free and fair exercise of the elective franchise, are the momentous questions to which you must all now soon answer. The test oath is expressly repealed as a qualification for voters by an act of the territorial legislature of the 17th of February, 1857.

The people of Kansas have now, therefore, an opportunity, in conformity with the Constitution of the United

The people of Ransas have now therefore, an opportunity, in conformity with the Constitution of the United States, the organic act of Congress, and the laws of this Territory to decide, by the elective franchise the choice of their delegate to Congress, their territorial legislature, and all their county officers.

of their delegate to Congress, their territorial legislature, and all their county officers.

The troops at my disposal, which are fully competent to the task, will, at the request of citizens of both parties, be stationed at the points where violence has been threatened or anticipated, not for the purpose of over-awing the people, or of interfering in any way with the elections, or influencing them in any respect whatever, but, by their presence, guarding the polls against any attempt at insurrection or violence, from the mere knowledge of the fact that it can and will be suppressed, but, if necessary, also to protect and secure, by lawful means, all the just rights of the citizen in exercising the elective franchise under the decision of the proper authority, and to act as posse conitatus for the arrest of offenders. I should have greatly preferred, as expressed in my letter of acceptance of governor of this Territory, never to have been required to call the troops even as a precautionary measure. As it is, not a drop of blood has been shed; and insurrection has been suppressed, until it recently reappeared in a compulsory tax-law by the insurgent government at Lawrence, and in contlagration of dwellings, and expulsion of peaceable citizens in its vicinage, after it was falsely supposed that they would not be replaced by others. Indeed if the revolutionary government of Lawrence had lasedy supposed that they would not be replaced by other Indeed if the revolutionary government of Lawrence had not been encountered by the immediate movement of troops there, it is now clear that similar insurrectionary govthere, it is now clear that similar insurrectionary governments, based on my presumed acquiescence, which would have been organized throughout Kansas in open defiance of the laws of Congress and of this Territory, and rendered a peaceful settlement impossible. It will be remembered, that in open defiance of the laws of Congress and of this Territory, and after the refusal of the so-called Topeka State legislature to grant them a charter, they nevertheless organized a city government, clothed with all the usual powers—legislative, executive, and judicial. It will be recollected, also, that after my proclamation of the 15th of July last, and the simultaneous movement of the troops there, as a precautionary proclamation of the 15th of July last, and the simulation of the troops there, as a procautionary measure to maintain the authority of the government, and arrest the spread of this insurrection throughout the Territory, they then professed through their organs, that what they had called a government, and to which they had given all the powers of a government, was a mere youtunatary association for the removal of nuisances from the streets. See But now when it was errongently bestreets, &c. But now, when it was erroneously be-lieved by them that the troops would all be re-moved to Utah, and not replaced by others, they have thrown off the mask, and carried out their sory tax law, both a poll and property tax, requiring its assessment and collection by the seizure and sale of property, and exacting by their charter from executive officers who are to carry out these acts AN OATH to perform all these duties; the violation of which oath, if these duties are not performed, would be perjury. At the same time they seemed to have believed that this precausame time they seemed to have believed that this precautionary movement of mine and proclamation were disapproved by the President of the United States, whereas
they were both most cordially sustained by him in the despatch to me from the Secretary of State of the 15th of
July last, as also in the published letter of President Buchanan to Prof. Silliman and others of the 15th August
last. An overwhelming majority of the press and people
of the United States have condemned this insurgent movement; the example has not been adopted by any other locality in Kansas; contrary to the expectation of its authors,
it failed to receive any sanction from the general terriit failed to receive any sanction from the general terri-torial convention of their own party of the 20th ult., and now stands without a precedent in our country, a solitorial convention of their own party of the 20th ult., and now stands without a precedent in our country, a solitary monument of revolutionary violence and incipient treason. So soon as the overt act now threatened is consummated, this rebellion will be suppressed by the lawful use, if necessary, of all troops under my control, acting in aid of the civil authorities designated by Congress. It is hoped, however, especially, as I trust, we shall have a fair and peaceful election, when, whichever party may prevail, all semblance of excuses for this insurgent movement will have ceased, that the majority of the people of Lawrence will abandon their reckless leaders, suppress this insurrection themselves, and relieve our Territory and country from the disgrace of an insurrectionary government based now only on undisguised revolution, and an open overthrow not merely of the territorial laws, but of the laws also of the United States. The honor and character of the country and my sworn duty as chief magistrate of Kansas require that this first actual example of organized rebellion as a government against the authority of Congress should be suppressed, as it must be, and the sooner it is done by the people of Lawrence themselves the better for the sake of their own true interests and

reputation. Dangerous and unjustifiable as was the Topeka State movement, it differed widely from the Lawrence insurrection in this, that the latter not only passed laws, but required, by seizure and sale of property, their compulsory execution, under the requisition or an oath whereas the so-called Topeka State government proposed on the face of their proceedings to wait until they received, as they profess to hope, the recognition of Congress. As the troops of the United States now subject to my orders are sufficient to protect the polls and preserve the peace of Kaussas, it is hoped that the forces raised professedly for that purpose without authority of law will be at once disbanded.

From authentic information communicated to me from

the peace of Kamsas, it is hoped that the force ruised professedly for that purpose without authority of law will be at once disbanded.

From authentic information communicated to me from many quarters of this Territory, and from many citizens of both parties, that the presence of the troops is essential to preserve the peace of the Territory, to prevent the forcible seizure of the polls, and to suppress insurrection, I feel constrained, though most reluctantly, by a solemn sense of duty, and by a most serious apprehension of the consequences which otherwise follow, to place the troops at proper points, not for war, but for peace, in accordance with the views and purposes before stated.

In conclusion, permit me to say, with all the seriousness and sincerity demanded by the solemnity of the occasion, that it now is, and always has been, my most ardent desire, as the chief magistrate of this Territory, by all lawful and constitutional means to secure and protect the just rights of every citizen, and especially of performing my sworn duty of supporting the constitution of the United States, and taking care that the law be faithfully executed, to see that the great fundamental principle which lies at the basis of our American institutions, secured by the federal compact, and guarantied by our organic act of Congress, should be maintained, viz: that the people of Kansas, in the true manning of the act, free from all violence, injustice, or foreign interference, should make their own guerament. This has been the great principle, the just and faithful execution of officer ganic law, which has controlled all my acts in Kansas, and to which I shall adhere regardless of menace, calumny, or assallment either from within or beyond our limits. I am made by law the chief executive officer in Kansas for the protection, to the extent of my legal authority, of the whole people of Kansas, and not a part, of every county and district, and not of a portion of them only. And however solicitous I may be about the result of the pres ever most anxious that those views of public policy which I have entertained and expressed at all times, from my youth upwards to the present period, and especially as regards the EQUILIBRIUM of our government and the constitutional right and equality of the States, should now triumph here in October, yet I cannot and will not do any act, or countenance or sustain any act, the effect of which would be to deprive the people of Kansas of any rights secured to them by the federal compact, by our organic act, or by the laws of this Territory. A victory thus secured by violence or injustice would be worse than a defeat, and could only in the end destroy all hope of the ultimate success of conservative principles and consti-

a detail, and could only in the end destroy all hope of the ultimate success of conservative principles and constitutional liberty in Kansas.

Insamuch as our ensuing election on the first Monday in October next is of momentous consequence to this Territory and to our whole country, as the two parties of Kansas, it is hoped, will first measure their strength now, not as in former elections, at different times and places, or upon the field of battle, but at the same time and places in giving in their votes, as in other States and Territories, and as it is of the utmost importance that this election should be free from everything which would lead to excitement or commotion. I most earnestly request the chief officers of our different towns, cities, and municipalities to resort to those means which have so often, in similar cases, proved efficacious, by removing for that day all cases which would interfere with a calm and dispassionate election.

And now, may that overruling Providence who has crowned our beloved country with so many blessings and benefits, including the Inestimable privilege of self-government, and without whose aid we cannot look for success in any enterprise, enable us so to conduct this contest as to insure His sanction and the approval of our own conscience, is the fervent hope of your fellow-citizen, conscience, is the fervent hope of your fellow-citizen, R. J. WALKER,

Governor of Kansas Territory. THE LATE GEN. RUSK. The following letter appears in a late number of

Post Office Department, Appointment Office, Aug. 19, 1857. Appointment Office, Aug. 19, 1857.

Sin: I am instructed by the Postmaster General to acknowledge the receipt of your letter of the 30th July, announcing the death of the distinguished senator from Texas, the Hon. Thos. J. Rusk. This painful event will cause the nation to mourn the loss of one of its purest patriots and most enlightened statesmen, and society one of its brightest ornaments, a kind-hearted, benevolent, and honest man. His public career was without blemish, and in all the relations of private life he was esteemed and beloved by all who knew him. His public acts were part of his country's history; his private virtues are enshrined in the hearts of those who knew him best. His loss will be severely felt in the councils of the nation, while to his family and intimate friends it will be irreparable.

As chairman of the Senate Committee on Post Offices and Post Roads he was closely identified with this department, and his long experience in matters connected therewith rendered him an important adviser of its head, by whom his loss will be severely felt, and makes this tribute to his memory not inappropriate.

The Restausater General decale very sympathizes with the

the Galveston (Texas) News:

his ioss will be severely left, and makes his drivine to his memory not inappropriate.

The Postmaster General deeply sympathizes with the family and friends of the late distinguished senator in this their great affliction, and desires that his sentiments may be communicated to the family and friends of the

Very respectfully, Sr. JOHN B. L. SKINNER, Acting First Assistant Postmaster General.
To Frederick Voice, Postmaster Nacogdoches.

THE OCTOBER ELECTION IN GEORGIA.

Let no democrat in Georgia, or out of it, be deceived by the boasts of the opposition press in regard to the next election. It is the peculiar province of our opposition friends always to elect their candidates by calculat figures; it is the good fortune of the democracy to elect theirs by the votes of the people; as it has been in the past, so it will be in the future.

We have reliable information from every district in the

State, and it foots up thus: 1st dist. Seward's majority over Bartow and Gaulden, 100 votes; Brown over Hill, 1,800. 2d. Crawford and Brown over Elam and Hill, 1,700.

3d. Stand off. 4th. Gartrell over Tidwell, and Brown over Hill

5th. Brown over Hill, 4,500; Wright over Hooper and Tatum, 3,000.
6th. Brown over Hill, 4,000; Jackson over Simmons

7th. Stand off.

8th. Stephens over Miller can't be counted. Our figures demonstrate that Brown will be elected over Hill by a majority ranging from twelve to fifteen thousand votes. We believe we shall carry every congressions district in that State; to do this, our friends in the third and seventh must work unceasingly until the election day. In the third, Col. Bailey is doing good service; his speeches are able and well received. Linton Stephens is making a brilliant canvass. Let the democracy of the third and seventh put their shoulders to the wheel and sustain their candidates with zeal and industry, and the day will be ours. So mote it be.

It seems that Mrs. Birch-wife of Mr. James Birch, of Fall River, Massachusetts, president of the California Stage Company, who was among the lost passengers of the Central America—was not left destitute by the death of her husband. Mr. Birch had sent on, in the Illinois, or ner nusband. Mr. Birch had sent on, in the Illinois, the steamer which preceded the Central America, \$60,000 in gold bars, for which he also remitted a draft payable to the order of his wife. On Wednesday last Mrs. Birch sent the bars to the assay office in this city to be refined and stamped.

Lately a large package of money (1,800) was stolen from Mr. Libby, of the Bates Mill, in Lewiston, Maine, by an old Irish woman who worked in the factory. As the story goes, this old woman paid a man, who was published to be married to a young woman, five hundred dollars to break the match and marry her. Being unable to find a minister who would marry them, either in Portland or Lowell, they were last heard from on their way to Philadelphia. Measures have been taken to arrest them.

Edward H. Cheatham was killed in Lynchburg, Va. on Wednesday night by Alonzo Turner, by blows on the head with a bludgeon. Cheatham was endeavoring to part two men who were fighting when Turner made the assault upon him. He died in about three hours, leaving a wife and children in dependent circumstances. Turner

WASHINGTON CITY.

TUESDAY MORNING, SEPT. 29, 1867.

A.—Mr. Isnaue E. James, of Philadelphia, is our general travelling reni, assisted by James Dessums, Jours Collins, J. Hamsery, Engues-reni, assisted by James Dessums, E. A. Evans, R. S. James, T. Asunan, P. Willey, Jour

AVIS, R. T. ROSERDS. general collecting agent for the Western States and Texas, assisted by H. J. Thomas, William H. Thomas, Three. M. LAMS, Br. A. L. Chille Giosnoz Mesnus, and Richard Leanz. Receipts of collect will be good.

THE FINANCIAL CRISIS.

It would seem that the suspension of specie pay-ments, commenced by the Philadelphia banks on Friday last, has assumed some of the contagious features of an epidemic; and that there is now substantial reason for believing that what was at first local stoppage will soon become general with most of the banks of the northern and western States. The southern banks were never more strongly fortified than they are at the present time; and for the next six months their cash means must be increased. in the place of being diminished. Whether they will fully and promptly meet the demands of their bill-holders and depositors as is now the case with the New York city and most of the New England banks or take advantage of a general panic to repudiate their engagements remains to be seen.

The long-expected and long-predicted financial storm has burst upon us at last, and it must have its course. How, where, or by whom it was raised, are questions which cannot be discussed with any positive advantage at the present time. Temperand lectures to an individual laboring under the effects of delirium tremens may be excused, but they are not likely to be attended with any immediate reformatory results; and it is to be presumed, therefore, that the present victims of worthless banks, of extended credits, or of over-speculation in stocks, merchandise, or real estate, will not derive any consolation or benefit from a knowledge of the true causes of their misfortunes and disasters.

We have on a former occasion stated that the general prosperity of the country was founded on too solid a basis to be seriously disturbed by the machinations or misfortunes of bankers and brokers. In the list of bank suspensions published in our last issue, or in the still larger list which appears in this morning's impression, we see no reason to change this opinion. At the very worst, if these suspensions should prove to be absolute bankruptcies, the fifty or even a hundred millions of loss bear no alarming proportion to this year's crops of cotton, corn, wheat, tobacco, sugar, rice, hemp, to say nothing of the products of the mines, the forests, and the fisheries, and which can only be estimated by hundreds of millions! Much and general inconvenience will be experienced from the present condition of things, but that the energies and resources of our people will be dangerously crippled, or their present positive wealth seriously diminished, by over-specu lation in western lands or eastern stocks, or by the damaging effects of a radically defective banking system, is too absurd for belief.

As we have already said, the storm must have its course. More banks will suspend, and more merchants and traders will have to fail for the want of accommodations from the now broken or crippled institutions which first tempted them into fatally-expansive operations. In a few months-may be a few veeks-the times will become easier, confidence will revive, credit strengthen, ricketty banks set in motion again by legislative indulgence, the syren songs of the stock speculators and the land speculators once more heard in the marts of the East and the cabin-taverns of the far West, and, we fear, the bitter lessons of the present trying moment forgotten, or, if remembered, not generally heeded.

In the mean time, we would again endeavor to im-

press upon the minds of the citizens of Washington that as they have not over-traded or over-speculated, and as they are comparatively free from debt. and do not depend for their subsistence goon comnerce or manufactures, and finally that general wellpaid employment is with them the rule and not the exception, they have no real or imaginary cause for alarm, suffering, or even embarrassment. It is true that all our banks of issue have suspended specie payments. But this should not produce any positive inconvenience to any portion of the ommunity, as the citizens of Wa more hard cash from the government on the first of every month than is now to be found in all the vaults of all the banks in the city. There is more gold coin put in active circulation in Washington in one month than there is put in circulation in New York, Philadelphia, or Boston in one year; and as this state of things is likely to continue for an indefinite period, we cannot well perceive the necessity of a financial crisis when none can exist except by artificial means.

THE CANVASS IN OHIO.

Hon. Mr. Olds addressed a large and an enthusiastic meeting of the democracy at Columbus on Friday evening last with powerful effect. The States-

man says:

"Every man in the crowded house, from pit to dome, seemed to feel the assurance that there is no such word asserted. Like the Zouaves, who came up at a run, in the crisis of the day at Inkerman, 'the light of battle' is upon the faces of the democracy. If any man had had the hardhood to declare in the presence of the people there assembled that Chase would be re-elected, he would have been stared at as a natural. When Dr. Olds repeated the maxim of Jackson, 'My faith is in the people!' the veteran democrats felt the ancient fire which carried the Old Hero through all his contests; when he recited the grand demunciation of Chase, the abolitionist and disunionist, by Henry Clay in the Senate of the United States, and described how that unworthy agitator withered and writhed under the torrent of the great man's impetuous elequence, the venerable whigs in presence broke forth in a storm of applause. Dr. Olds speaks in Delaware this evening. We are glad to say that he will visit as many counties as he possibly can before the election."

HON, L. J. GARTRELL The Atlanta (Ga.) Intelligencer says:

The Atlanta (Ga.) Intelligencer says:

"Our able and eloquent candidate for Congress, Col.
Gartrell, has just returned from his canvass in Carroll
county. He delivered five speeches in the county to large
and enthusiastic audiences. At every point he found the
invincible democracy of Carroll ever true to their timehonored principles. At one meeting of upwards of 400
voters there were but nine know-nothings in the crowd.
On the first Monday in October next Carroll will send up
her accustomed 700 majority for the democratic candidates. The know-nothings will then see whether their
idle boasts of the 'uncertain condition of Carroll' will be ts of the 'uncertain condition of Carroll' will b

Hon. Timothy Hopkins, a leading democrat, and the entertainer of Gov. Dorr when he was in exile, died in Westmoreland, New Hampshire, on the 20th, aged 64. He was one year president of the New Hampshire senate.

A British officer, writing from Allahabad, (India,) says You have no idea of the awful weather and of our ferings from the heat; we sit with wet cloths over of head, but the deaths from sun-stroke continue large."